

PTO/SB/21 (04-07)

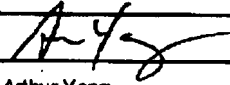
Approved for use through 09/30/2007. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/843,627	<b>RECEIVED CENTRAL FAX CENTER AUG 30 2007</b>
	Filing Date	August 19, 2003	
	First Named Inventor	Sundelin, J.	
	Art Unit	1836	
	Examiner Name	Guzo, David	
Total Number of Pages in This Submission	4	Attorney Docket Number	BI-08-ND6-CCC

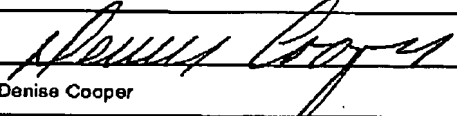
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks - Letter re Submission of Issue Fee and Publication Fee (2 pages) - Copy of form PTOL-85 (par B - Fee(s) Transmittal)		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Hoxie & Associates LLC		
Signature			
Printed name	Arthur Yang		
Date	July 12, 2007	Reg. No.	45,721

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Denise Cooper	Date	July 12, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number

10/647,827

Filing Date

August 19, 2003

First Named Inventor

Sundelin, J., et al.

Art Unit

1636

Examiner Name

Guzo, David

Attorney Docket Number

BI-06-ND6-CCC

## ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form  
☐ Fee Attached  
☐ Amendment/Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Reply to Missing Parts/  
Incomplete Application  
☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

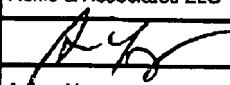
- ☐ Drawing(s)  
☐ Licensing-related Papers  
☒ Petition  
☐ Petition to Convert to a  
Provisional Application  
☐ Power of Attorney, Revocation  
Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s) \_\_\_\_\_  
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC  
☐ Appeal Communication to Board  
of Appeals and Interferences  
☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter  
☐ Other Enclosure(s) (please identify  
below):

## Remarks

Petition under 37 CFR 1.181 (alternatively, petition under 37 CFR 1.137(b), including two exhibits

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Hoxie & Associates LLC		
Signature			
Printed name	Arthur Yang		
Date	August 30, 2007	Reg. No.	45,721

## CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Arthur Yang	Date	August 30, 2007

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Sundelin, J. et al.	)	Examiner:	Guzo, David
Serial No.:	10/643,627	)	Group Art Unit:	1636
		)	Confirmation Number	4455
Filed:	August 19, 2003	)	Attorney Docket:	BI-06-ND6-CCC
Title:	RECOMBINANT C140	)		
	RECEPTOR ITS AGONISTS AND	)		
	ANTAGONISTS, AND NUCLEIC	)		
	ACIDS ENCODING THE	)		
	RECEPTOR	)		

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181**  
**(alternatively, Petition for Revival of an Application for Patent**  
**Abandoned Unintentionally under 37 CFR 1.137(b))**

Attn: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed August 8, 2007, Applicants respectfully request that the Notice of Abandonment be withdrawn, or in the alternative, that the application be revived for unintentional abandonment.

Applicants hereby petitions the Commissioner to withdrawn the holding of abandonment under 37 CFR 1.181:

On April 11, 2007, a Notice of Allowance and Fee(s) Due was mailed. The issue fee and publication fee was due within three months from the mailing date of the notice.

On July 11, 2007, Applicants paid the issue and publication fees by faxing Part B - Fee(s) Transmittal PTOL-85 to the PTO. A copy of the filing is attached at Exhibit A.

On July 12, 2007, Applicants noticed that item 4b on Form PTOL-85 mistakenly identified that a check was enclosed for payment of the issue and publication fees, as Applicants had intended to instruct the PTO to debit the issue and publication fees through a Deposit

Application of Sundelin, J., et al  
Application No.: 10/643,627

Attorney Docket No.: BI-06-ND6-CCC

Account. Applicants' representatives contacted the PTO and spoke with Ms. Darlene Lyon in the Office of Patent Publication to determine how to correct the error, and were advised that a supplemental instruction paper could be filed to charge the issue and publication fees to a deposit account. In accordance with her instructions, Applicants filed a supplemental paper on July 12, 2007 instructing the PTO to debit a Deposit Account. A copy of the filing and the PTO Auto-Reply Facsimile Transmission is attached as Exhibit B.

On July 25, 2007, an Issue Notification was mailed indicating that the application would issue as US patent 7,256,255 on August 14, 2007.

On August 8, 2007, Applicants became aware that the issue and publication fees were not debited from their Deposit Account. Applicants contacted the PTO to request that the issue and publication fees be debited from their Deposit Account, especially because the patent was scheduled to issue the following week. Applicants' representative spoke first spoke with Ms. Darlene Lyons, who informed Applicants that her July 12, 2007 instructions were in error. Applicants' representatives then spoke with Ms. Andrea Smith in the Office of Petitions, who advised the Applicants that the application should not issue as a patent because of non-payment of the issue and publication fees. As a result of the conversation with Ms. Andrea Smith, the application was withdrawn from issue, and a Notice of Abandonment was mailed indicating that the application was abandoned for failure to timely pay the issue and publication fees as the submitted fee of \$0 was insufficient.

It is evident that the Applicants had an intent to pay the issue and publication fees, and were diligent in bringing to the PTO's attention the above errors and inconsistencies. Additionally, the PTO has discretion to accept payment of the issue and publication in cases where there are errors in payment of such. *See e.g.*, 37 CFR 1.311(b), and MPEP § 1306.01 8th ed, rev. 5.

In the present application, Applicants have previously filed general authorizations to charge a Deposit Account, timely filed the fee transmittal form for payment of the issue and publication fees, and solicited and followed the instructions of PTO personnel; however, the issue fee and publication fee are deemed insufficient.

Applicants respectfully request: 1) the Notice of Abandonment be withdrawn; 2) the publication and issue fees in the amount of \$1,700.00, and any other additional fees if required,

-2-

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AUG 30 2007

Application of Sundelin, J., et al  
Application No.: 10/643,627

Attorney Docket No.: BI-06-ND6-CCC

be debited from Deposit Account No. 50-4255; and 3) the application be allowed to issue as a patent.

It is believed no fees are required in the filing of the present petition under 37 CFR 1.181. If any fees are required, please charge the same to Deposit Account 50-4255.

In the alternative, should the above Petition to Withdraw the Notice of Abandonment be denied, Applicants hereby petition for revival of this application as being unintentionally abandoned under 37 CFR 1.137(b):

Payment of the issue and publication fees was previously submitted on July 11, 2007 in Form PTOL-85, and is herein submitted for a second time at Exhibit A. Please charge the issue and publication fees in the amount of \$1,700, to Deposit Account 50-4255. Applicants also authorize the Director to charge any deficiency, or credit any overpayment to the same Deposit Account.


Since this application was filed on or after June 8, 1995, no terminal disclaimer is required. Applicants have moved promptly to reinstate the application following the August 8, 2007 Notice of Abandonment. Applicants hereby state that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Applicants respectfully request that the application be revived and allowed to issue as a patent.

Please charge the petition fee of \$1,500.00 under 37 CFR 1.17(m), and any additional other fees required to Deposit Account 50-4255.

Respectfully submitted,

Dated: August 30, 2007

By

  
Arthur Yang  
Reg. No. 45,721  
HOXIE & ASSOCIATES LLP  
75 Main Street  
Suite 301  
Millburn, NJ 07041  
(973) 912-5232

# EXHIBIT A

## PART B - FEE(S) TRANSMITTAL

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Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or **Fax** (571)-273-2885

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

50446

7590

04/11/2007

HOXIE & TSO LLP  
374 MILLBURN AVENUE  
SUITE 300 E  
MILLBURN, NJ 07041

**Certificate of Mailing or Transmission**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Denise Cooper (Depositor's name)  
*[Signature]* (Signature)  
July 11, 2007 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,627	08/19/2003	Johan Sundelin	MP193-006CPIDV1ACNIDVIM	4455

TITLE OF INVENTION: RECOMBINANT C140 RECEPTOR, ITS AGONISTS AND ANTAGONISTS, AND NUCLEIC ACIDS ENCODING THE RECEPTOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	07/11/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
GUZO, DAVID	1636	530-324000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Hoxie & Associates  
LLC  
2. Thomas Hoxie  
3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Millennium Pharmaceuticals, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Cambridge, Massachusetts

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☒ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*[Signature]*

Date

July 11, 2007

Typed or printed name

Thomas Hoxie

Registration No.

32,993

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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The PTO did not receive the following  
listed item(s) check

# EXHIBIT B



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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sundelin, J. et al.	)	Examiner:	Guzo, David
Serial No.:	10/643,627	)	Group Art Unit:	1636
		)	Confirmation Number :	4455
Filed:	August 19, 2003	)	Attorney Docket:	BI-06-ND6-CCC
Title:	RECOMBINANT C140	)		
	RECEPTOR, ITS AGONISTS AND	)		
	ANTAGONISTS, AND NUCLEIC	)		
	ACIDS ENCODING THE	)		
	RECEPTOR	)		

SUBMISSION OF ISSUE FEE AND PUBLICATION FEE

Box Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On July 11, 2007, Applicants filed form PTOL-85 (Part B - Fees Transmittal) via facsimile to the Patent and Trademark Office. A copy of the submitted form is attached herewith. Applicants' representatives intended to authorize the Director to charge the required fee(s), any deficiency, or credit any over payment, to Deposit Account Number 50-4255. However, Applicants' representatives mistakenly identified that a check was enclosed.

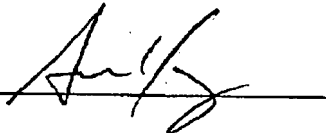
Pursuant to a telephone conversation between Ms. Darlene Lyon of the Office of Patent Publication and Applicant's representative Arthur Yang on July 12, 2007, Applicants hereby request that the issue fee and publication fee in the amount of \$1,700.00 be charged to Deposit Account No. 50-4255. Applicants also authorize the Director to charge any deficiency, or credit any overpayment to the same Deposit Account No.

In the event there are any questions, please do not hesitate to contact the undersigned by telephone.

Date: July 12, 2007

Respectfully submitted,

By



Arthur Yang

Registration No. 45,721

HOXIE & ASSOCIATES LLC  
75 Main Street  
Suite 301  
Millburn, NJ 07041  
(973) 912-5232

Complete and send this form, together

applicable fee(s), to: Mail Mail Stop ISSU. EE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (571)-273-2885

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## Certificate of Mailing or Transmission

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<u>Denise Cooper</u>	(Depositor's name)
<u>[Signature]</u>	(Signature)
<u>July 11, 2007</u>	(Date)

50446 7590 04/1/2007  
 HOXIE & TSO LLP  
 374 MILLBURN AVENUE  
 SUITE 300 E  
 MILLBURN, NJ 07041

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,627	08/19/2003	Johan Sundelin	MP193-006CP1DVIACN1DVIJM	4455

TITLE OF INVENTION: RECOMBINANT C140 RECEPTOR, ITS AGONISTS AND ANTAGONISTS, AND NUCLEIC ACIDS ENCODING THE RECEPTOR

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EXAMINER	ART UNIT	CLASS-SUBCLASS
GUZO, DAVID	1636	530-324000

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2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Hoxie & Associates  
LLC  
 2 Thomas Hoxie  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Millennium Pharmaceuticals, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Cambridge, Massachusetts

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

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- ☒ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
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☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Thomas Hoxie

Date \_\_\_\_\_

Registration No. \_\_\_\_\_

32,993

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) in application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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AUG 30 2007



## Auto-Reply Facsimile Transmission

**TO:** Fax Sender at 19739125236

**Fax Sender at 19739125236**

7/12/2007 4:26:20 PM [Eastern Daylight Time]

4 (including cover page)

Received  
Cover  
Page[illegible]